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HOFFMAN WARNICK LLC			TANG, KENNETH	
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ALBANY, NY 12207			2195	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/733,513	KRAENZEL, CARL J.
	<b>Examiner</b>	<b>Art Unit</b>
	KENNETH TANG	2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 March 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2 and 6-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-2 and 6-12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 1-2 and 6-12 are presented for examination.
2. This final action is in response to the Amendment on 3/18/08. Applicant's arguments were fully considered but were not found to be persuasive. Applicant's amendment to the claims prompted new grounds of rejections.

### *Specification*

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1-2 and 6-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**

5. In claims 1 and 8, the newly amended claim limitation of "wherein the first set of program code and the second set of program code provide the operating systems functionality to

perform common operations on the common datastore.” is not supported in the Specification and fails to comply with the written description requirement.

6. Claims 2, 6-7, and 9-12 are also rejected as being dependent on rejected claims 1 and 8.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 1-2 and 6-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

8. In claims 1 and 8, the term "common operations" is indefinite. It is unclear in the claims and silent in the Specification whether "common" refers to frequent or if it is related to the first and second sets of program code. No connection is made in the claims to make this clear. The Specification is silent on "common operations" and thus does not provide any clarity. Since the scope of the claims cannot be ascertained, claims 1 and 8 are found to be indefinite.

9. Claims 2, 6-7, and 9-12 are also rejected as being dependent on rejected claims 1 and 8.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**10. Claims 1-2 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burger et al. (hereinafter Burger) (US 2003/0220876 A1) in view of Deng et al. (hereinafter Deng) (US 2006/0168395 A1).**

11. As to claim 1, Burger teaches a universal user roaming method, comprising:

providing a computer program having a first set of program code executable on a first WIN32-based operating system (first distinct codes) and a second set of program code executable on a second non-WIN32-based operating system (second distinct codes, PALM OS or Microsoft Windows CE, etc.) (see Abstract, lines 6-13, page 9, [0118], page 10, [0127]);

setting the first set of program code and the second set of program code to read and write from a common datastore (read/write memory 210 can store first and second distinct codes and may have instructions stored therein which, when executed by the controller, cause implementation of routines/software) (see Abstract, lines 6-13, page 10, [0127]); and

12. In summary of the above citations, an embodiment of Burger teaches a portable electronic device 102, referred to as a “Pocket Vault”. The Pocket Vault is a hand-held device like a personal digital assistant (PDA), such as a Palm Pilot, and has an operating system such as Palm OS (or Microsoft CE, depending on the PDA). The Pocket Vault can communicate information with one or more plurality of personal desktop computers. It is important to note that the Palm OS or Microsoft CE are operating systems for a PDA and not for a desktop computer, and Burger (page 2, [0014]) clearly shows that the computer and the electronic device are distinct from each other. For the desktop computers to perform any type of processing, an

operating system is required in each of the computers, and these operating systems of the desktop computers are not Palm OS or Microsoft CE but rather an operating system related to a computer (not a PDA device). Read/write Memory 210 can store first and second distinct codes and may have instructions stored therein which, when executed by the controller, cause implementation of routines/software. Therefore, the read/write memory 210 is equivalent to the claimed datastore.

13. However, Burger is silent in storing the content of the common datastore on a removable storage medium that is accessible to only one of the operating systems at any one time, wherein the first set of program code and the second set of program code provide the operating system functionality to perform common operations on the common datastore. Deng discloses the use of flash memory, for example, as a common datastore that is a removable storage medium that is accessible to only one computer/operating system (Windows or non-Windows based) at any one time ([0017]-[0018], [0020]-[0021]). In addition, Deng discloses a universal system interface which interprets and performs the corresponding operations according to commands based on the data from the flash storage device (Abstract, [0032]-[0034]). One of ordinary skill in the art would have known to modify the memory of Burger's apparatus such that it would be a removable storage medium similar to Deng's flash storage memory that is accessible to only one operating system at any one time and serving as a universal system interface which interprets and performs the corresponding operations according to commands based on the data from the flash storage device. The suggestion/motivation for doing so would have been to provide the predicted result of improving the convenience to the user from using memory that is removable and mobile (see last lines of Abstract, [0003], [0007]). Therefore, it would have been obvious to one of ordinary skill in the art to combine Burger with Deng to obtain the invention of claim 1.

14. As to claim 2, Burger teaches the claimed invention, wherein the first operating system is an operating system for a computer system (computers 108, 110, 112) (page 6, [0098]) and that a standard personal computer system would be considered a desktop (page 11, [0137]). Burger and Deng are silent in teaching that the computer system could also be a laptop. However, one of ordinary skill in the art would have known that laptop computers are also recognized as personal computers. A laptop computer is a small mobile computer, which usually weighs 2-18 lbs, depending on size, materials, and other factors, and laptop computers have been around since the year 1981. As personal computers, laptops are capable of the same tasks as a desktop computer. They contain components that are similar to their desktop counterparts and perform the same functions, but are miniaturized and optimized for mobile use and efficient power consumption. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the system of Burger and Le to have the option of including one or more laptop computers as part of its personal computer system. The suggestion/motivation for doing so would have been to provide the predicted advantage and result of the improved portability that a laptop provides, as was described in detail above. Furthermore, in the Remarks on 3/18/08, Applicant did not argue the assertion that laptop computers are well known and widely recognized as personal computers, and therefore, this limitation is considered to be admitted prior art.

15. As to claim 8, it is rejected for the same reasons as stated in the rejection of claim 1.

16. As to claim 9, it is rejected for the same reasons as stated in the rejection of claim 2.

**17. Claims 6-7 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burger et al. (hereinafter Burger) (US 2003/0220876 A1) in view of Deng et al. (hereinafter Deng) (US 2006/0168395 A1), and further in view of McGuffin (US 7,010,651 B2).**

18. As to claim 6, Deng teaches the method of claim 1, wherein the removable storage medium is a USB flash microdrive or a Zip drive ([0020]). However, Burger and Deng are silent in teaching specifically that other options of removable storage that could be used are an SD-RAM card and a read-writeable compact disc. McGuffin teaches incorporating removable memory storage that could include magnetic removable storage (e.g., floppy disks, cassette tapes, zip drives, USB hard drives and microdrives; optical removable storage (e.g., CD-R, CD-RW, DVDs, etc.); and solid state removable storage, or devices that have no moving parts (e.g., multimedia cards, memory sticks, SmartMedia cards, CompactFlash and Secure Digital cards) (col. 2, lines 22-38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burger in view of Deng to include all the options of using removable storage such as in McGuffin. The suggestion/motivation would have been to provide storage that is preferably easily removable in nature to best facilitate extraction of data stored on the medium for use in other computer systems (col. 2, lines 31-37). Therefore, more options of

convenient removable media provide more choices for a user to determine what is most preferable and convenient for him or her.

19. As to claim 7, Deng ([0020]) and McGuffin (col. 2, lines 22-38) teach wherein the SD-RAM interfaces with a computer system via a USB adapter.

20. As to claims 11-12, they are rejected for the same reasons as stated in the rejections of claims 6-7, respectively.

**21. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burger et al. (hereinafter Burger) (US 2003/0220876 A1) in view of Deng et al. (hereinafter Deng) (US 2006/0168395 A1), and further in view of Ichikawa (US 5,617,560).**

22. As to claim 10, Burger teaches the first set of program code and the second set of program code (first distinct code and second distinct codes) (see Abstract, lines 6-13). Burger and Deng are silent in having a common directory where distinct set of codes could be stored. However, Ichikawa teaches a plurality of different operating systems (Microsoft Windows, Macintosh OS, DOS/V, Unix, etc.) (col. 3, lines 33-52) that can access and use information in a

common directory during the running of the operating system on the CPU (see Abstract, col. 4, lines 5-29, col. 14, lines 43-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burger in view of Deng such that there is a common directory for the various/different operating systems (Operating System A for the desktop computer and Operating System B for the PDA device, etc.). The suggestion/motivation for doing so would have been to provide the predicted result of ensuring interchangeability of the directory between different types of operating systems, thereby allowing different types of computers to access a single memory medium (col. 3, lines 65-67 through col. 4, lines 1-2). Therefore, it would have been obvious to one of ordinary skill in the art to combine Burger, Deng and Ichikawa to obtain the invention of claim 10.

### ***Response to Arguments***

23. *Applicant argues in the Remarks on 3/18/08 that Burger in view of Le fail to teach the newly amended claims 1 and 8, specifically, "that the removable storage medium is accessible to only one of the operating systems at any one time and another limitation that the first set of program code and the second set of program code provide the operating systems functionality to perform common operations on the common datastore".*

Applicant's arguments with respect to claims 1 and 8 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- **Smith et al. (US 6,289,391 B1)** discloses a common memory 118 used between client and server heterogeneous computers with an MCP operating system 121 and a Windows NT operating system 122 for executing functions (see Abstract, Fig. 3).
- **Shah (US 2005/0125621 A1)** discloses a common data store used for synchronization between a Windows based operating system and a non-Windows based operating system (see [0678], Fig. 36).
- **Tsai et al. (US 7,039,656 B1)** discloses that it is already known in the art that data may be collected, aggregated and restructured into a common data store to be delivered to or held for access for a variety of portable devices including PDAs, cellular phones and even such as paging devices (col. 2, lines 18-35).
- **Weiner (US 5,636,357)** discloses software and data files for operating systems and processors having incompatible object code format requirements may be placed on the same memory card (10) (common data store, etc.) (see Abstract).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENNETH TANG whose telephone number is (571)272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/  
Supervisory Patent Examiner, Art Unit 2195

/Kenneth Tang/  
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